RICHARD BANGS,

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

Plaintiff,
v.
MICHAEL ASTRUE, Commissioner of Social Security,

Defendant.

No. CV-11-3039-JPH

ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES, AND CLOSING FILE

Before the Court is Magistrate Judge Hutton's Report and Recommendation filed on December 19, 2012, ECF No. $\underline{34}$, recommending that Plaintiff Richard Bangs' motion for an award of attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, ECF No. $\underline{28}$, be denied as untimely. On December 31, 2012, Plaintiff objected. ECF No. $\underline{35}$. Plaintiff's objections restate the arguments presented in the pleadings previously filed. ECF Nos. $\underline{28}$ – $\underline{31}$, $\underline{35}$.

Having reviewed the Report and Recommendation and objections thereto, the Court adopts the Magistrate Judge's recommendations in their entirety. Accordingly, IT IS ORDERED:

- 1. The Report and Recommendation, ECF No. 34, is ADOPTED in its entirety.
- 2. Plaintiff's Motion for EAJA Attorney's Fees, ECF No. 28,

is **DENIED**.

3. This file shall be CLOSED.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and forward copies to counsel and Magistrate Judge Hutton.

DATED this 3rd day of January 2013.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge

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